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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Statement of Issues**
13 **Against:**

14 **ZORINA ALEXANDRA KALIA**
15 **2634 SE Export Avenue**
16 **Port St. Lucie, FL 34952**

17 **Respondent.**

Case No. 2010-414

OAH No. 2010060960

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

18 **FINDINGS OF FACT**

19 1. On or about March 8, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official
20 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
21 Affairs, filed Statement of Issues No. 2010-414 against Zorina Alexandra Kalia (Respondent)
22 before the Board of Registered Nursing.

23 2. On or about September 25, 2009, Respondent filed an application dated
24 September 11, 2009, with the Board of Registered Nursing to obtain a registered nursing license.

25 3. On or about October 20, 2009, the Board issued a letter denying Respondent's
26 application for a registered nursing license. On or about December 8, 2009, Respondent appealed
27 the Board's denial of her application and requested a hearing.

28 4. On or about March 24, 2010, an employee of the Department of Justice served by
Certified and First Class Mail a copy of the Statement of Issues No. 2010-414, Statement to
Respondent, Request For Discovery, Respondent/Applicant's Notice Of Withdrawal Of Request

1 for Hearing, Respondent/Applicant's Notice Of Designation Of Counsel and Government Code
2 Sections 11507.5, 11507.6, and 11507.7 to Respondent's address on the application form, which
3 was 2634 SE Export Avenue, Port St. Lucie, Florida 34952. A copy of the Statement of Issues is
4 attached as exhibit A, and is incorporated herein by reference.

5 5. Service of the Statement of Issues was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 6. On or about December 8, 2009, Respondent appealed the denial of her application
8 and requested a hearing in this action. On July 20, 2010, a Notice of Hearing was served by mail
9 at Respondent's address on the application and it informed her that an administrative hearing in
10 this matter was scheduled for August 27, 2010. Subsequently, due to employee furloughs at the
11 Office of Administrative Hearings, it became necessary to reschedule the hearing to a later
12 available date. On September 23, 2010, an Amended Notice of Hearing was served by certified
13 mail at Respondent's new address, which, pursuant to Respondent's notification, was 2006 E.
14 Manhattan Drive, Tempe, Arizona 85282, and it informed her that an administrative hearing in
15 this matter was re-scheduled for January 20, 2011. The certified mailing receipt was signed as
16 received on September 25, 2010 and returned to the Department of Justice. Respondent failed to
17 appear at that hearing.

18 7. Business and Professions Code section 118 states, in pertinent part:

19 (a) The withdrawal of an application for a license after it has been filed with a
20 board in the department shall not, unless the board has consented in writing to such
21 withdrawal, deprive the board of its authority to institute or continue a proceeding
22 against the applicant for the denial of the license upon any ground provided by law or
23 to enter an order denying the license upon any such ground.

24 8. Government Code section 11506 states, in pertinent part:

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts
27 of the accusation not expressly admitted. Failure to file a notice of defense shall
28 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to

1 respondent; and where the burden of proof is on the respondent to establish that the
2 respondent is entitled to the agency action sought, the agency may act without taking
evidence.

3 10. Pursuant to its authority under Government Code section 11520, the Board finds
4 Respondent is in default. The Board will take action without further hearing and, based on
5 evidence on file herein, finds that the allegations in Statement of Issues No. 2010-414 are true.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Zorina Alexandra Kalia has
8 subjected her application for a registered nursing license to denial.

9 2. Service of Statement of Issues No. 2010-414 and related documents was proper and
10 in accordance with the law.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Board of Registered Nursing is authorized to deny Respondent's application for
13 licensure based upon the following violations alleged in the Statement of Issues:

14 a. Business and Professions Code section 2761, subdivision (f) (substantially
15 related criminal conviction) 480, subdivisions (a)(1) (substantially related criminal conviction)
16 and (a)(3)(A) (acts which if done by a licensee would be cause for discipline), and 2762,
17 subdivisions (b) and (c) (dangerous/injurious use of alcohol and criminal conviction involving
18 alcohol, respectively). The violations arose from Respondent's April 21, 2008, criminal
19 conviction in Florida for driving under the influence of alcohol.
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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

ZORINA ALEXANDRA KALIA
2634 SE Export Avenue
Port St. Lucie, FL 34952

Respondent.

Case No. 2010-414

OAH No. 2010060960

DECISION AND ORDER

IT IS SO ORDERED that the application for a registered nursing license, filed by Respondent Zorina Alexandra Kalia, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 10, 2011

It is so ORDERED

May 11, 2011


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Statement of Issues No.2010-414

Exhibit A

Statement of Issues No. 2010-414

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Attorney General of California
2 ALFREDO TERRAZAS
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3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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6 Telephone: (916) 324-5339
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7

8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues
Against:

14 **ZORINA ALEXANDRA KALIA**
15 **2634 SE Export Avenue**
16 **Port St. Lucie, FL 34952**

17 Applicant/Respondent.

Case No. 2010-414

STATEMENT OF ISSUES

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
21 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 **License History**

24 2. On or about September 25, 2009, the Board of Registered Nursing, Department of
25 Consumer Affairs, received an Application for Licensure by Endorsement from Zorina Alexandra
26 Kalia ("Respondent") On or about September 11, 2009, Respondent certified under penalty of
27 perjury to the truthfulness of all statements, answers, and representations in the application. The
28 Board denied the application on October 20, 2009.

STATUTORY PROVISIONS

3. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(3)(A) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(3)(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof

6. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any

1 dangerous drug or dangerous device as defined in Section 4022, or
2 alcoholic beverages, to an extent or in a manner dangerous or injurious to
3 himself or herself, any other person, or the public or the extent that such
4 use impairs his or her ability to conduct with safety to the public the
5 practice authorized by his or her license.

6 (c) Be convicted of a criminal offense involving the prescription,
7 consumption, or self administration of any of the substances described in
8 subdivisions (a) and (b) of this section, or the possession of, or
9 falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction
11 is conclusive evidence thereof.

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 **(Criminal Convictions)**

14 7. Respondent's application is subject to denial under Code sections 2761,
15 subdivision (f), and 480, subdivision (a)(1), in that on or about April 21, 2008, in the County
16 Court, in and for St. Lucie County, Florida, in the case entitled, *State of Florida v. Zorina*
17 *Alexandra Kalia* (Super Ct. St. Lucie County, 2008, Case No. 2008CT000624A1000),
18 Respondent was convicted on her plea of guilty of Driving Under the Influence [.20% B.A.C.].
19 Such crime is substantially related to the qualifications, functions and duties of a registered nurse.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Done Acts if Committed by a Licentiate)**

22 8. Respondent's application is subject to denial under Code section 480, subdivision
23 (3)(A), in that she committed acts that if done by a licentiate of the business or profession, would
24 be grounds for suspension or revocation of a license, pursuant to Code sections 2761, subdivision
25 (a) and (f), and 2762, subdivisions (b) and (c), as set forth in paragraph 7, above.

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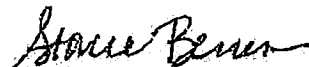
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged;
and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Zorina Alexandra Kalia for a registered nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED:

3/8/10


for

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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